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CONTACT:

Keith Coolidge (916) 445-4503 (o) / (916) 275-6809 (c)

keithc@deltacouncil.ca.gov

Eric Alvarez (916) 445-5383 (o) / (916) 275-7923 (c)

eric.alvarez@deltacouncil.ca.gov

Court Upholds Council's Delta Plan and Calls for Two Refinements

SACRAMENTO – The Sacramento Superior Court late Wednesday ruled in favor of the Delta Stewardship Council on the vast majority of issues regarding the adequacy of its master plan for the Delta. The court ruled that the Council did have the authority to develop a legally enforceable management plan for the Delta – one that requires reduced reliance on the Delta as a source of water, sets aside zones to help restore the Delta ecosystem and preserves and enhances the unique character of the largely agricultural collection of islands and waterways east of the San Francisco Bay.

The Court did cite two instances in which it concluded that the Council's Delta Plan fell short of requirements included in the 2009 Delta Reform Act that created the Council and directed it to develop the plan. The Court said the Delta Plan did not contain sufficiently quantifiable performance measures and also did not adequately "promote options" to improve the way water projects move water across the Delta.

The Court was only able to consider the adequacy of the Delta Plan as it was adopted in May 2013. Since then, as directed by the Delta Plan itself, the Council has worked with state and federal scientists and stakeholders to refine and improve its performance measures. The Council also has developed principles to guide improvements in the way water is conveyed across the Delta, stored in above-ground and underground storage, and how both can be operated in ways to gain maximum benefit for the state's coequal goals of improved water supply reliability and ecosystem health.

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"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– CA Water Code §85054

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“I am pleased the Court upheld our regulatory authority and the role of the Council in shaping California water policy,” said Jessica R. Pearson, executive officer for the Council. “The court acknowledged that the Delta Plan is based on best available science, which is foundational for the actions we and others take in the Delta.”

The Delta Plan contains 14 regulatory policies and 73 recommendations on topics such as improving water supply reliability, restoring and enhancing the Delta's ecosystem, preserving and protecting the Delta's unique characteristics, and reducing flood risk. Shortly after it was adopted, multiple parties, including the state and federal water contractors, the Central Delta Water Agency, the City of Stockton, the San Luis Delta Mendota Water Authority, the California Water Impact Network, and others filed lawsuits challenging the sufficiency and legality of the Delta Plan, as well as the sufficiency of the Delta Plan's Environmental Impact Report.

The seven cases were coordinated and Wednesday's ruling covers the statutory challenges.

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About the Council

Created by the legislature in 2009, the Delta Stewardship Council is composed of members who represent different parts of the state and offer diverse expertise in fields such as agriculture, science, the environment, and public service. Of the seven, four are appointed by the Governor, one each by the Senate and Assembly, and the seventh is the Chair of the Delta Protection Commission. For more information, visit <http://deltacouncil.ca.gov/>

For more than four years, California has been dealing with the effects of drought. To learn about all the actions the state has taken to manage our water system and cope with the impacts of the drought, visit Drought.CA.Gov. Every Californian should take steps to conserve water. Find out how at SaveOurWater.com.